



U.S. Department of Justice

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AAS/MAA/RMP
F. #2017R05903

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March 27, 2024

By ECF

The Honorable Ann M. Donnelly
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Huawei Technologies Co., Ltd., et al.
Criminal Docket No. 18-457 (S-3) (AMD)

Dear Judge Donnelly:

The government respectfully submits this letter to apprise the Court of the status of its second supplemental motion pursuant to Section 4 of the Classified Information Procedures Act ("CIPA"), 18 U.S.C. app. III (the "CIPA 4 Submission") in the above-referenced case. On November 28, 2023, the government submitted a letter to the Court stating that it anticipated filing the CIPA 4 Submission by March 2024. For the reasons below, the government will not be able to file the CIPA 4 Submission on that timeframe and instead anticipates filing by mid-May 2024.

Since the government's last status letter, the government has finished reviewing all potentially discoverable classified material relating to the anticipated CIPA 4 Submission and has substantially completed drafting the Submission. As the Court is aware, the government's CIPA Section 4 submissions must include supporting declarations from senior government officials. See United States v. Abu-Jihaad, 630 F.3d 102, 141 (2d Cir. 2010) (holding that CIPA submission must be filed with declaration of the "head of the department which has control over the matter, after actual personal consideration by that officer" (quoting United States v. Aref, 533 F.3d 72, 80 (2008))); see also Dkt. No. 61 at 5-8 (government's memorandum of law in support of its motion for pretrial conference pursuant to CIPA, explaining discovery process pursuant to Section 4 of CIPA). The government is diligently working to obtain the necessary declarations from the relevant equity holders. However, the government recently was informed that it will not be able to obtain the declarations by the end of March 2024 as originally anticipated.

Given the need to obtain supporting materials from the relevant equity holders to comply with Aref and Abu-Jihaad, and following consultation with such offices, the government anticipates that it will be able to file the CIPA 4 Submission by mid-May 2024. The government will file the CIPA 4 Submission earlier, if feasible.

Respectfully submitted,

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cc: Clerk of the Court (by ECF and Email)
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